

initially seen by Employee Health Services.

Employees will not be allowed to return to work if they are taking medications or have problems which may affect their ability to safely perform their job.

Employee Assistance Program

If you need help with a personal, alcohol or drug related problem you may contact Christiana Care's Employee Assistance Program (1-800-298-9076) for professional, confidential help. Supervisors of troubled employees may also seek the aid of the Employee Assistance Program in handling such problems. All records and conversations associated with your problem are handled in complete confidence.

Infectious disease

To prevent the spread of infectious disease, you will not be permitted to remain on duty if you have direct or indirect contact with patients and are believed to be carrying an infectious or contagious disease. Employee Health Services will determine your fitness to remain on duty and authorize your absence from work, if necessary.

Occupational injury or illness

If you suffer an injury or illness while working on the job, you may be entitled to benefits covered by worker's compensation under the provisions of the Delaware Worker's Compensation Act. Any work related injury, illness or exposure must be reported to your supervisor immediately. Delays in reporting may jeopardize benefits. Necessary medical care is provided by Christiana Care. Your supervisor will authorize a visit to Employee Health Services or the Emergency department. All employees seen in the Emergency department for a work related injury or illness should contact Employee Health Services as soon as possible for follow-up treatment.

Retirement plan

Christiana Care's Retirement Plan pays benefits which, along with Social Security and your own personal savings and investments, provide financial security when you retire. Your retirement income is derived from three sources:

Social Security: You and Christiana Care contribute equal amounts of money to provide for retirement benefits.

Christiana Care's Retirement Plan: A retirement plan is provided by Christiana Care for you at no cost. For eligible employees working on or after October 1, 1989, normal retirement benefits are available to eligible employees at age 65 with five years of service. Early retirement is available any time after age 55 to employees who have completed 10 years of service.

Matching Contribution Program (403b): Christiana Care's Matching Contribution Program (403b) allows you to accumulate additional retirement funds by choosing to save a portion of your salary on a regular basis. Money placed in a matching contribution program reduces, for that tax year, the amount of federal and state tax withheld from your paycheck. You are not required to pay taxes on this money until it is withdrawn for retirement or other use. As an additional benefit, Christiana Care also provides a matching contribution program to eligible employees. Christiana Care will match \$.50 for every \$1.00 an employee contributes to their MCP (403b), up to 6% of their base salary. Please contact the Benefits office of the Human Resources department for further

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information regarding participation, eligibility and vesting requirements.

Service awards

Christiana Care recognizes employees with long periods of service by awarding you with your choice of either a gift or a pin after 5 years of service and every five years thereafter.

Recognition

All employees are encouraged to recognize and support each other. Christiana Care has a comprehensive recognition program. Details can be accessed on the INet by clicking onto the Recognition icon. Options include Verbal Recognition, Written Recognition, Departmental Recognition, Spot Bonus Awards and Christiana Care's Focus on Excellence Award Program.

Tuition assistance plan

Employees are encouraged to further their education and become more proficient in their occupation or profession. Full-time employees may be reimbursed one-hundred percent (100%) for education expenses, up to a maximum dollar amount per year (July - June), for course work that is related to their present occupation or profession, or for related Christiana Care positions. Tuition reimbursement for part-time employees is calculated on a pro-rated formula, based on the number of hours you are regularly scheduled to work. The percentage is applied against the amount that would be payable under the plan to a full-time employee taking the same course at the same institution. If you have less than three months of service, you are limited to three credit hours per semester or unit.

You should consult with your supervisor before enrolling to determine whether the courses meet eligibility requirements.

Employee parking

Christiana Care maximizes use of all of its available parking space. Parking is offered on a first-come, first-serve basis. Your photo identification/access card will provide you access to designated parking areas as well as to authorized entrance/access controlled doors. Each hospital has special parking arrangements to accommodate individuals who are on shift work.

To make parking available to all employees, visitors and patients, you are asked to observe the following general rules:

- Park only in areas designated for employees; park within the lines. Do not park in aisles, roadways, unmarked areas or block fire lanes.
- Properly display your parking hang tag (permit) on your rear view mirror.
- Exit the parking area as soon as possible after your shift ends and do not leave your vehicle parked in the lot when not on duty.
- Never loan your photo identification/access card to anyone else. It is for your use only.
- Be respectful of Public Safety as they work to provide campus safety and direct vehicles to appropriate parking locations.

Cafeteria

Christiana Care's non-profit cafeterias provide nutritious meals at a highly subsidized cost. To assure continued coverage in your area, your supervisor will assign you meal periods.

Employee Work Life Balance

Discount movie and other recreational tickets are available to all employees at all locations 24

hours a day/7 days a week via the web, phone, mail or fax. Employees who wish to purchase movie or other tickets can log onto the Working Advantage Web site or order by telephone at 1-800-565-3712, fax at 1-888-340-3388 or by mail. Employees will need to provide Christiana Care's Corporate ID number, 1032804, when using the on-line service for the first time under Register Now.

Questions about Recreation should be directed to Ann O'Neill, Employee Programs Coordinator at (302) 428-5748.

Credit union

You may participate in programs of Christiana Care's affiliated federal credit union through payroll deduction. As a member of the credit union, you may also apply for various types of loans after you have satisfied eligibility guidelines. For additional information, contact your hospital employee relations representative or the Benefits office of the Human Resources department.

Worklife balance

Other Christiana Care worklife balance programs include the following:

- " Family & Workplace Connection @ Services (1-888-390-2900) including childcare resource and referral with confirmed openings, backup care, educational and parenting guidance, eldercare and adoption resource and referral, and self care with free publications (e.g., stress management, college planning)
- " Pathways Employee Assistance Program (1-800-298-9076)
- " On-site Daycare Imaginations at Christiana Hospital (733-KIDS)
- " Fitness Reimbursement (Contact the Records/Benefits office 428 5794 or the INet for details)
- " Flexible Work Options including part-time, casual, temporary, per diem, weekend incentive program and part-time limited benefits with higher pay (contact your supervisor for options in your department)
- " Free employee health and wellness services (e.g., smoking cessation, free flu shots and mammograms) Contact Employee Health Services or watch FOCUS for details.
- " Lactation rooms/support at the Wilmington and Christiana campuses.
- " Walking Trails (Christiana site and Brandywine trails at Wilmington)
- " On site fitness center at Wilmington and PMRI
- " Therapeutic massage at PMRI and PT Plus
- " Gift Shops at Christiana and Wilmington locations and on-site ATMs
- " On-site pharmacy (Christiana and Wilmington campuses)

Locker rooms

We provide locker rooms and lockers for the convenience of some Christiana Care employees, where they may change clothes before and after work. Lockers are inspected occasionally for maintenance, sanitation and security.

Lost and found

For your convenience, a lost and found service is located in the security office of each hospital.

Communications

Corporate communications

Christiana Care is committed to maintaining the flow of information to all employees. Several publications are produced and distributed to provide you with timely and accurate information about Christiana Care events and activities.

Employee meetings

Your ideas, suggestions and concerns are always appreciated. Frequent meetings are held with different levels of management to inform you of Christiana Care policies and plans. The meetings provide an opportunity for you to share your thoughts and ideas.

Employee information centers

Employee Information Centers are located at each hospital to post official information as determined by the senior vice president of Human Resources. You should visit these centers periodically to review current policies and benefits announcements, photos and articles of interest, Recreation information and current job openings.

Employee publications

Christiana Care has several publications to provide information to you about Christiana Care related activities.

- **FOCUS** is a bi-weekly newsletter distributed every other Thursday to all employees and selected audiences associated with the Christiana Care.
- Executive Office News is published on an as needed basis to inform employees of late breaking events or important information from the President's office. Executive Office News is posted at employee information centers.
- Annual Reports of Christiana Care, which summarize the activities of the fiscal year ending June 30, are published each November.

Safety, Security and Emergency Codes

Emergency codes and plans

You should be familiar with the five emergency codes and plans at Christiana Care. They are:

Code Red	fire disaster
Code Green	nuclear disaster
Code Delta	civil disaster (airplane crash, train wreck, tornado, etc.)
Code Blue	a patient is having cardiopulmonary failure
Code Yellow	Infant/Juvenile Abduction Alert. This code is declared if an actual abduction occurs or if all infants/juveniles can't be accounted for in the unit.

Your supervisor informs you of your individual assignment and provides you with the necessary response to these codes where applicable.

Fire prevention

Fire is a great danger because it threatens your safety and the safety of our patients and everyone associated with Christiana Care. You are responsible to help prevent fires. Carelessness and thoughtlessness are the primary causes of fire. Observing the following common-sense rules will help prevent fires.

- No smoking is allowed in any Christiana Care facility or campus or while employees are on work time.
- Eliminate fire hazards by keeping your work area free of unnecessary combustible materials.
- Report any fire hazard immediately to your supervisor or department head.
- Know the location and how to use fire fighting equipment and alarm boxes in your immediate area.
- If you discover a fire, follow this procedure:

R Rescue all persons in the immediate area of smoke

A Alarm

Contain the fire by closing all doors, or take other

C measures to ensure that the fire is contained in a small area.

E Extinguish when possible.

All unusual odors or other emergencies should be reported immediately by dialing 911.

Security

Call 911 to report security problems such as disorderly persons, unauthorized people in restricted areas or other unusual or suspicious activity.

Safety rules

Christiana Care is committed to providing a safe working environment for its' employees. Safety regulations are designed for everyone's protection.

Every employee is provided a Christiana Care Safety Handbook and every department has a safety policy. Employees are required to read and abide by these documents. Particular attention should be given to information on hazardous materials and the employee's right to know what materials are hazardous and how to handle them.

Adherence to established safety practices and appropriate use of personal protective equipment is required.

Report anything that could be dangerous to your supervisor. Be particularly alert to hazards that could cause fires, falls, scalds, burns, cuts or electric shock. Be aware of areas where warning signs are posted. Guard against contamination by soiled objects and wash your hands immediately after handling anything that may be contaminated. Report all exposures, injuries or illnesses immediately to your supervisor.

Your supervisor will discuss with you general safety rules and specific safety precautions related to your job. You will be informed of all potential hazards that you may be exposed to and instructed to use appropriate protective precautions.

Smoking

For the health of our patients and employees, Christiana Care is a smoke free work place. Smoking is NOT permitted in any Christiana Care facility, on any Christiana Care campus or on an employee's work time. Christiana Care does not require that employees quit smoking, however does not permit smoking or the use of chewing tobacco as noted above. Smoking cessation resources are available to employees who would like to quit. Employees who do not wish to quit smoking are encouraged to develop strategies to remain smoke free throughout their work day.

Christiana Care's appearance standards address personal hygiene as well as the avoidance of odors that may impact our patients such as strong perfumes, cologne and the odor of tobacco. Employees who do smoke should take necessary precautions to avoid the odor of tobacco or smoke residue while at work.

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Employee Relations Practices

Attendance:

An employee must be cleared by EHS prior to returning to work following an injury or illness requiring absences of 5 days, any hospitalization (regardless of length of stay), or an absence of any duration for a problem that may affect ability to perform required work duties. (Policy F-1)

The attendance standard is based on the number of actual shifts worked each pay period within the current rolling 12-month period. As a result, an average must be calculated for those employees that routinely work more than their budgeted number of hours, or have changed their status within the rolling 12-month period. (Calculated using the attendance matrix. Example for absence: EE works 7 tours for 4 months = 2 occurrences, then changes status and works 5 tours for remaining 8 months = 2 occurrences. The prorated standard for this 12-month period is 4 occurrences of absence. The EE should be educated on their pro-rated standard and that the standard for working 5 tours within a 12-month period is 3 occurrences of absence.

When employees are required to make an appearance in Court for purposes other than Jury Duty, They may be granted PTO if notice allows, or the Manager should facilitate a schedule switch to allow the employee to have that day off without taking PTO or jeopardizing staffing. In cases where prior notice is not given (in relation to the notice the ee received), the manager may review for either an emergency day or occurrence.

When an employee fails to either arrive for or call out for a scheduled shift (no call / no show) a 2nd step reminder may result. If this occurs for 2 consecutive days, a DML may be considered.

**** LB on 8/20 - Inpatient Hospitalization and Outpatient Surgery will be removed from the "excused absence" list on policy A-12**

LOA:

At the point that an employee is absent from work for 14 days (two weeks), they must either return to work or be placed on a FMLA qualifying Leave of Absence. This leave would be effective retroactive to the first day absent from work. If the ee has not been employed for 6 months, they would be removed from payroll and coded as "ineligible for LOA".

When returning from a LOA, an employee can work a reduced work schedule (even if FMLA time is exhausted) for 2 pay periods without changing their status to Part-time. This is restricted to one time within a 12-month period. If the employee has FMLA time available and the department can accommodate a reduced schedule, the employee may work reduced hours until FMLA time is exhausted.

A 30-day "Personal Leave" is available in cases where an employee's FMLA is exhausted and they are in need of additional LOA time for a covered family member. This LOA can also be utilized in cases where the family member is not covered under FMLA (ie. grand-parents, siblings, etc.). This LOA is not protected under FMLA and should not be counted towards their entitlement. The leave should be requested in writing to the Manager, who has the discretion to approve based on past practice and department needs. The employee may choose to be unpaid or use their paid leave account. The manager should not place the employee on a LOA using the Inet form since this is not a FMLA LOA and therefore doesn't require a letter from HR.

How to calculate remaining FMLA for an employee who wants to reduce or increase their hours. Ex. EE works 65 hrs per pp and has already used 285 hrs of intermittent FMLA. The ee wants to reduce hrs to 40 pp. Convert 285 back into weeks (8 wks, 4 days), which leaves 3 weeks and 1 day left to use as a 40 hour ee.

Payroll / Payment Practices

When returning from a Medical LOA, where disability time was used, that employee can continue to use disability time if returning on a reduced schedule. If the employee returns full duty and at a later date needs intermittent time, disability time cannot be utilized.

[Print this Policy](#)

Policy A-1 - Management Responsibilities Relative to Human Resources

DATE EFFECTIVE: January 21, 2003

Revisions: 05/16/05; 01/21/03; 09/25/01; 12/31/97; 04/02/91; 07/01/71

I. POLICY STATEMENT

The achievement of Christiana Care's mission, vision and strategic goals is contingent upon the recruitment and retention of a qualified, competent and high performing health care team committed to focusing on excellence. To this end, Christiana Care pledges to employees that all human resource decisions made by the management team regarding recruitment, selection and promotion, training and development, performance management, compensation, benefits as well as recognition and rewards will be implemented without regard to race, color, sex, sexual orientation, religion, national origin, age, veteran status, disability or any other factor that may form the basis for discrimination.

II. SCOPE

This is a system-wide policy and applies to the management team in all Christiana Care subsidiaries.

III. PURPOSE

Christiana Care's human resources policies and practices have been developed to provide guidance to managers so that they may create a work environment that encourages the recruitment, retention, and commitment of a diverse and talented work force. As a result, all policies have been established to assure equal opportunity regardless of race, color, religion, national origin, sex, sexual orientation, age, disability or veteran status.

Management responsibilities relative to human resource management include:

1. Select and promote the most qualified applicant available based on objective, job related requirements including knowledge, skills, abilities, core value behaviors, and relevant experience;
2. Provide an orientation to Christiana Care, the department and position assigned for all new employees as well as ongoing training and development opportunities to increase on the job competence and work effectiveness;
3. Provide each employee and the work team with clear focus and direction in terms of how each individual role and work team impacts the achievement of Christiana Care's mission, vision, values, strategies, and operating plans;

4. Establish and communicate performance standards relative to work and behavior to all employees. Provide feedback to employees in attaining those standards through periodic coaching, recognition and regular performance reviews;
5. Provide balanced work assignments and reasonable working hours for each employee with due consideration to the needs of our patients while maintaining an awareness of the Christiana Care resources available to employees to support work life balance;
6. Be knowledgeable of and communicate Christiana Care's competitive wage and benefit programs;
7. Provide a safe working environment for all employees;
8. Recognize in every reasonable way the personal dignity and the individual needs of the employee;
9. Maintain open lines of communications in a manner that encourages employees to present any complaint or perceived unfair treatment to their supervisor without fear of reprisal and to attempt to reach a mutual resolution. When the employee is not satisfied with the resolution attempted by the first line supervisor, to inform the employee of his/her right to pursue the problem at the next level or through the employee relations representative system;
10. Communicate regularly with employees and enforce Christiana Care policies consistently with consideration given to the circumstances in each individual situation;
11. Inform employees in advance about management actions that affect their work assignments or duties or their interests as employees and explain such actions;
12. Encourage employee suggestions and adopt those deemed beneficial. When suggestions can not be implemented, supervisors have the responsibility to provide feedback to the employee.

IV. GUIDELINES

Responsibility for the day-to-day management of Christiana Care employees must rest with the Christiana Care management team. Christiana Care's human resources platform has been developed to support managers in fulfilling these responsibilities and in developing and maintaining a positive employees relations climate.

All managers are required to attend New Manager Orientation and other mandatory education programs (reference Course Catalog on the I-Net under ED Plus). Christiana Care's Supervisory Policy manual also serves as a resource in identifying appropriate tools and human resource practices that are aligned with Christiana Care's mission, vision and strategic objective and are legally compliant.

Additional management resources are also located on the I-Net under

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system-wide management or as part of e-info. Examples of resources available as support to managers in fulfilling their leadership responsibilities include Christiana Care's performance management and base compensation system, recognition tools box, "Interviewer's Role in Focus on Excellence", system-wide education offerings including "Frontline Leadership", and Human Resources/Employee Relations support system.

When a course of action is not clear regarding human resource management decisions, managers are encouraged to seek the guidance and counsel of the Human Resources department.

Open, two way communication is encouraged and supported through Christiana Care's employee satisfaction and commitment survey process, focus groups, management rounding, internal publications, e-mail announcement and regularly scheduled management and staff meetings as well as informal discussions.

Management input is regularly obtained on human resources policies and practices through various avenues including the Human Resources Advisory Committee.

V. RESPONSIBILITIES

Management/Supervisory Personnel

Understand Christiana Care management responsibilities and utilize the resources available in creating and maintaining a positive employee relations climate.

Attend mandatory management educational programs.

Understand and support Christiana Care's philosophy on unionization (see Addendum I), know management rights and responsibilities in the event of an organizing campaign, be able to explain Christiana Care's philosophy to employees.

Human Resources Department

Maintain a human resources platform that support Christiana Care's mission, vision and strategic objectives and is regularly compliant in all areas of human resource management.

Provide an Employee Relations program to assist employees and managers in conflict resolution, policy interpretation and application.

Continuously evaluate wage and benefit programs to ensure that such programs are externally competitive, and consistently managed.

Provide employees with an understanding of Christiana Care's philosophy on unions through new employee orientation and the employee handbook.

Provide Labor Relations training so supervisory personnel are familiar with their rights

and responsibilities in the event of an organizing campaign.

Addendum I

Philosophy Towards Union Representation

Christiana Care is committed to achieving and maintaining a status as preferred employer. To this end, Christiana Care has voluntarily established Human Resources policies which assure that Christiana Care employees are provided competitive pay, benefits, safe working conditions, consistent administration of policies, open two-way communications, the opportunity to grow and develop, and the opportunity to resolve problems through Christiana Care's problem-solving procedure.

We believe that our voluntary commitment to these policies, applying them through a competent management team committed to Christiana Care core values, that encourages our employees to directly communicate their concerns to management is the best way to maintain fair, constructive relations with all employees at Christiana Care.

No outside labor organization was needed at Christiana Care to bring these policies or practices into being nor will one be needed in the future to keep them up-to-date.

Christiana Care's mission is to improve the health of all individuals in the communities we serve. Our vision is to be a coordinated patient-focused health care system focused on excellence. The often encountered aspects of collective bargaining - strikes, slowdowns, picket lines that prevent deliveries of food and supplies as well as other restrictive work practices that increase tension between different employee groups would interfere with Christiana Care's objectives to the detriment of our patients, employees, and the communities we serve.

Christiana Care does not believe that our employees would benefit from outside representation as unionization could subject them to burdensome union costs, loss of individuality, and work stoppages.

Therefore, Christiana Care does not believe that unionization is necessary or desirable. Christiana Care opposes representation of our employees by labor unions as being against the interests of Christiana Care and our employees and patients. Christiana Care is voluntarily committed to being a regional employer of choice which defines the management responsibilities necessary for creating and maintaining a positive work environment for all employees as expressed in Policy A-1.

Disadvantages of Union Representation

From the Viewpoint of Christiana Care

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1. Patient care as well as customer service and satisfaction may be affected.

A union is a third party which has no legal obligation to provide service. Naturally, its objectives will differ from those of Christiana Care. As a result, the union may:

- demand work rules which detract from the quality or quantity of service;
- demand special privileges, such as the right to conduct union business in the work place
- call a strike, slow down and/or engage in picketing

These are only a few examples of how unionization could interfere with the services we provide.

2. Lack of Managerial Flexibility

- ~~Christiana Care now has the flexibility to adjust to meet changing needs.~~

3. Management Time Wasted

- Unionization means that a great deal of time may be spent by supervisor in dealing with petty union gripes and grievances and third party involvement. With a union, consultation with the union steward becomes standard procedure before changing duties, assignments or schedules or other actions affecting employment conditions. This means that time-wasting discussion and negotiations become a part of many management decisions and can negatively impact our ability to provide our consistent high level of quality care.

4. Divided Loyalty of Employees

- Unionization often means that management can not get wholehearted cooperation and support in solving problems.

5. Higher Operating Costs

- Due to delays, time wasting, work rule restrictions, grievances, arbitration's etc., the operating costs will go up. As a result, this reduces the resources available for investing in new equipment, new programs, new facilities, staffing wages, and benefits.

From the Supervisor's Viewpoint

1. Restrictions on the Supervisor's Freedom and Authority

- Union shop stewards will be constantly second guessing your

decisions. Since the union can effectively override many supervisory decisions by threatening arbitration, the individual supervisor loses prestige and authority.

2. Difficulties in Dealing with Employees

- Unions often generate feelings of distrust toward supervisors. They may also create an uncooperative attitude among employees by telling them that they are "untouchable". This is especially true in dealings with union delegate or stewards.

3. Time Involved in Handling Grievances

- Again, your time may be wasted in dealing with stewards over petty grievances.

4. Overemphasis on Seniority

- Many union contracts require that employment decisions be based solely on seniority rather than performance which interferes with our vision to focus on excellence.

5. Internal Conflict

- Unions often increase dissension and as a result, a less friendly more formal work atmosphere results.

From the Employee's Viewpoint

1. High Cost of Union Membership

- Here are a few example of the financial obligations employees will encounter with membership in the union:
 - Union dues
 - Initiation fees
 - Special assessments
 - General assessments
 - Re-initiation fees and
 - Union fines

2. Loss of Personal Freedom

- Due to union disciplinary rules and procedures (e.g. trials, fines, suspension, expulsion, etc.) employees will lose personal freedom.

3. Loss of Individuality

- While employees will have the right to talk to you individually, the union would probably discourage this and insist that employees only use the union's formal grievance procedure. Under the labor law, the union has a right to be present at any supervisor-employee conference whether the employee likes it or not.

4. Incentives are Limited

- Merit increase and individual incentives for extra effort and skill are contrary to trade union philosophy. Decisions made during contract negotiations generally cannot be re-negotiated until the contract expires, despite changes in the work environment or employee effort.

5. Possibility of Strikes

- Despite these costs and disadvantages, employees have no guarantee that they will get more or better wages, benefits, hours and working conditions. In cases where the union is unable to achieve what it has promised at the bargaining table, unions sometimes draw employees into costly and unsuccessful strikes.
- While on strike, employees do not receive wages, benefits or unemployment compensation. They may even be permanently replaced in an economic strike.

The Human Resources department is expected to:

1. Provide employees with an understanding of Christiana Care's philosophy on unions through new employee orientation and the employee handbook.
2. Provide an Employee Relations program to assist employees and managers in conflict resolution, policy interpretation and application.
3. Continuously evaluate wage and benefit programs to ensure that such programs are externally competitive, and consistently managed.
4. Provide Labor Relations training so supervisory personnel are familiar with their rights and responsibilities in the event of an organizing campaign.

III. DISADVANTAGES OF UNION REPRESENTATION

From the viewpoint of Christiana Care

1. Customer Service and Satisfaction may be affected

- A union is a third party which has no legal obligation to provide service. Naturally, its objectives will differ from those of Christiana Care. As a result, the union may:
- Demand work rules which detract from the quality or quantity of service;

- Demand special privileges, such as the right to conduct union business in the work place;
- Call a strike, slow down and/or engage in picketing.

These are only a few examples of how unionization could interfere with the services we provide.

2. Lack of Managerial Flexibility

Christiana Care now has the flexibility to adjust to meet changing needs.

3. Management Time Wasted

Unionization means that a great deal of time may be spent by supervisors in dealing with petty union gripes and grievances. With a union, consultation with the union steward becomes standard procedure before changing duties, assignments, schedules or other actions affecting employment conditions. This means that time-wasting discussion and negotiations become a part of many management decisions.

4. Divided Loyalty of Employees

Unionization often means that management can not get wholehearted cooperation and support in solving problems.

5. Higher Operating Costs

Due to delays, time wasting, work rule restrictions, grievances, arbitration's, etc., the operating cost will go up. As a result, this reduces the resources available for investing in new equipment, new programs, new facilities, staffing, wages and benefits.

FROM THE SUPERVISOR'S VIEWPOINT

Restrictions on the Supervisor's Freedom and Authority

Union shop stewards will be constantly second guessing your decisions. Since the union can effectively override many supervisory decisions by threatening arbitration, the individual supervisor loses prestige and authority.

Difficulties in Dealing with Employees

Unions often generate feelings of distrust toward supervisors. They may also create an uncooperative attitude among employees by telling them that they are "untouchable." This is especially true in dealings with union delegates or stewards.

Time Involved in Handling Petty Grievances

Again, your time may be wasted in dealing with stewards over petty grievances.

Overemphasis on Seniority

Many union contracts require that employment decisions be based solely on seniority, rather than performance.

Internal Bickering

Unions often increase dissension and as a result, a less friendly, more formal work atmosphere results.

FROM THE EMPLOYEE'S VIEWPOINT

High Cost of Union Membership

Here are a few examples of the financial obligations employees will encounter with membership in the union.

- Union dues;
- Initiation fees;
- Special assessments;
- General assessments;
- Re-Initiation fees; and
- Union fines

Loss of Personal Freedom

Due to union disciplinary rules and procedures (e.g., trials, fines, suspension, expulsion, etc.), employees will lose personal freedom.

Loss of Individuality

While employees will have the right to talk to you individually, the union would probably discourage this and insist that employees only use the union's formal grievance procedure. Under the labor law, the union has a right to be present at any supervisor-employee conference whether the employee likes it or not.

Incentives are Limited

Merit increase and individual incentives for extra effort and skill are contrary to trade union philosophy. Decisions made during contract negotiations generally cannot be re-negotiated until the contract expires, despite changes in the work environment or employee effort.

Possibility of Strikes

Despite these costs and disadvantages, employees have no guarantee that they will get more or better wages, benefits, hours and working conditions. In cases where the union is unable to achieve what it has promised at the

bargaining table, unions sometime draw employees into costly and unsuccessful strikes.

While on strike, employees do not receive wages, benefits or unemployment compensation. They may even be permanently replaced in an economic strike.

[Print this Policy](#)

Policy D-1 - Leaves of Absence

DATE EFFECTIVE: February 16, 2004

Revisions: 09/25/01; 08/01/99; 12/29/97; 08/05/93; 11/25/91

I. POLICY STATEMENT

Christiana Care recognizes that employees may occasionally need to request a leave of absence for family and/or medical reasons. This policy outlines Christiana Care's Leave of Absence policy and complies with the Family and Medical Leave Action (FMLA). Approved leaves protect an employee's continuity of service and provide a job guarantee when an employee returns to work within the specified time frames and is capable of performing the essential functions of the position.

II. SCOPE

This policy applies to Christiana Care Health Services, Health Plans, Health Initiatives and Home Health and Community Services.

III. DEFINITIONS

A. Family Medical Leave Act

Family Medical Leave is defined as the period(s) of absence during a rolling 12-month period measured backward from the current date. Family Medical Leave may be taken on a continuous or an intermittent basis. Family Medical Leave may be granted for one of the following reasons:

1. The birth of a child or placement of a child with the employee for adoption or foster care. The leave must be taken within one year of birth or placement.
2. The care of an employee's spouse (including a common law spouse), child (including a child who is over 18 and incapable of self-care due to a physical or mental disability), or parent with a serious health condition.
3. Serious health condition that renders the employee unable to perform their job functions.

B. Serious Health Condition

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A serious health condition is defined as an injury, impairment, physical or mental condition involving the following:

1. Period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice or residential care facility.
2. Period in incapacity requiring absence from work, school or other regular daily activities or more than 3 days that involves continuing treatment by (or under the supervision of) a health care provider, or
3. Continuing treatment by (or under the supervision of) a health care provider

for prenatal care or a chronic or long-term condition that is incurable or so serious that, if not treated, would result in a period of incapacity of more than 3 days.

C. Continued Treatment

Continuing treatment means that the individual is treated two or more times by (or under the supervision of or referral by) a health care provider or is treated on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider.

D. Reduced Schedule or Intermittent Leave

Employees may be permitted to take an FMLA in several blocks of time rather than in one continuous period of time, or to work under a reduced work schedule by reducing the number of hours they work per week or day. Intermittent and reduced schedule leaves should be monitored and employees should be informed that time taken in this manner will be counted towards their twelve week entitlement under the FMLA.

IV. ELIGIBILITY FOR FAMILY/MEDICAL LEAVE

A. Continuous Leave of Absence

Full time and part time employees who complete six months or more of continuous service may be granted a family/medical leave under Christiana Care policy.

All other classification of employees must be employed for at least 12 months and must have worked at least 1250 hours during the 12 month period preceding the date the leave is required in accordance with the requirements of the FMLA. Information concerning other types of leaves are outlined in policies D-2 (Military Leave) and E-5 (Worker's Compensation). In addition to 12 weeks Family/Medical leave, Christiana Care provides and additional 12 weeks of leave for an employee's own serious health condition. Re-employment is not guaranteed during this additional 12 week period.

B. Intermittent Leave of Absence

Full time and part time employees who complete six months or more of continuous service may be granted intermittent family/medical leave under Christiana Care policy.

All other classification of employees must be employed for at least 12 months and must have worked at least 1250 hours during the 12 month period preceding the date the leave is required in accordance with the requirements of the FMLA.

V. REQUESTS FOR LEAVE

D0037

Requests for or notices of Family/Medical Leave must be given by the employee or, if the employee is unable to give notice, by the employee's representative. The employee (or the employee's representative) must provide an explanation for the leave that allows Christiana Care to determine if the leave qualifies as a Family/Medical Leave.

When the need for Family/Medical Leave is foreseeable, the employee must provide at

least 30 days advance notice. If it is not possible to provide 30 days notice, the employee must provide as much advance notice of the anticipated timing and duration of the leave as is practical.

Once the need for Family/Medical Leave is known or in cases where the need is not foreseeable, the employee must provide notice of the anticipated leave within 1 or 2 business days of the date that the employee identifies the need for leave, except where extraordinary circumstances apply.

If notice is not provided in 1-2 business days, the employee can not provide a reasonable excuse for the delay, and the notice requirements have not been waived, the Family/Medical Leave may be delayed until at least 30 days following the date notice was provided to the employee.

VI. CERTIFICATION OF A SERIOUS HEALTH CONDITION

Family/Medical Leave due to a serious health condition of a family member or the employee must be supported, at the written request of Christiana Care, by a certification issued by the health care provider of the individual with the condition. In the event the certification is inadequate, the employee will be given a reasonable opportunity to cure any deficiency.

Christiana Care will request certification at the time, or soon after, the leave is requested. The certification must be provided within 15 days of Christiana Care's request or such longer period as may be required in particular circumstances.

Christiana Care may require a second medical opinion. In the event of a conflicting opinion, Christiana Care may require a third and final opinion, from a doctor selected jointly by the employee and Christiana Care. Second and third opinions will be paid for by Christiana Care.

Additional subsequent certifications may be requested by Christiana Care, verbally, on a reasonable basis.

Family/Medical Leave will not be authorized until the certification is provided, although leave may be approved on a contingent basis, pending the submission of medical certification.

VII. ADMINISTERING LEAVES OF ABSENCE

Christiana Care will designate all approved leaves, whether paid or unpaid as Family/Medical Leave. If Christiana Care does not have sufficient information to designate paid leave as Family/Medical Leave, it may request additional information from the employee. The designation will generally be made before the leave starts, or before an extension of the leave is granted, unless Christiana Care does not have sufficient information as to the reason for the leave.

A. Job Guarantee

D0038

Employees who have been granted a leave of absence under the provisions of the FMLA will be guaranteed their position or an equivalent position provided their total

leave time does not exceed twelve (12) weeks during the last twelve month rolling period, measured backward from the current leave. This is the maximum entitlement under the FMLA. The employee must also be physically capable of performing the essential functions of the position (with or without reasonable accommodations). Medical leave can be granted for a period up to twenty four weeks in a twelve month rolling period, measured backward from the current FMLA leave, but the employee is not entitled to a job guarantee in the last twelve weeks of such leave. In those cases, the Employment section of Human Resources will assist employees in applying for suitable, available positions within Christiana Care.

B. Coordination with Accrued Paid Leave Time

For an employee's own serious health condition, the employee may use accrued disability leave and/or paid leave time or go into unpaid status if paid leave and disability leave time are not available. For the care of an immediate family member, the employee may use accrued paid leave or be in an unpaid status if paid leave is not available.

C. Benefit Coverage

1. Full time employees will be covered in the basic benefits program at not cost. Full time employees who participated in a higher level of coverage prior to leave status may continue that coverage as long as they pay the difference between basic coverage and higher coverage. Employees who participated in a lower level of coverage must continue that level of coverage in accordance with the terms of that coverage.
2. Part-time employees may continue current coverage by paying the cost of their coverage on the same basis as if actively employed.
3. WIP employees can continue current coverage on the same basis as if actively employed.
4. Leave time is considered as credited service for pension calculation purposes.
5. Disability leave and paid leave hours will only accrue when an employee is in an active paid status.

D. Effect of Leave on Job Bidding

An employee in leave status is not permitted to apply for open positions. If an employee is cleared to return from a leave after twelve weeks, their position is no longer available, and does not wish to accept a position offered, the employee may apply for other available position at Christiana Care but there is no guarantee that the employee will be placed into that position.

Employees with medical limitations who can not return to their former positions due to limitation, will be permitted to bid on positions for which they are qualified and able to perform the essential functions of the position, with out without reasonable accommodations.

Once the maximum leave time has expired and an employee has not secured a new position, the employee will be removed from payroll.

E. Effect of Leave on Merit Increases

A-142

D0039

Employees on a leave of absence at the time of the common review date will receive their review upon return to active status. Such employees will be eligible for their merit increase effective the beginning of the pay period in which they return.

VIII. RETURN TO WORK

1. Twelve or less weeks of leave

An employee on leave for less than twelve weeks during a twelve month rolling period will be reinstated to their department and job or an equivalent job. The employee must also be physically capable of performing the essential functions of the position with or without reasonable accommodations. All employees returning to work must be cleared for duty by Employee Health Services.

2. Great than 12 weeks of leave

There is no job guarantee for leaves of absences that exceed 12 weeks in rolling twelve-month calendar. The Employment section of the Human Resources department will meet with an employee returning from a leave of absence greater than twelve weeks, and will provide assistance in identifying and interviewing for positions that match their skills. Placement and selection will be based on availability of positions and qualifications. A similar process will occur with employees able to return to work but unable to perform the essential functions of the position held prior to leave with or without reasonable accommodations. In the latter case, Employee Health Services will consult with Human Resources to discuss work limitations and capabilities.

3. 24 weeks leave

Employees unable to return after 24 weeks leave in a rolling 12 month calendar, the maximum allowable time for leaves, will be terminated from payroll. When the employee is able to return to work, he/she can re-apply through the Employment section of Human Resources. Service credit rights described in Policy A-3 shall apply.

IX. PERSONAL FAMILY/MEDICAL LEAVES

Family/Medical leaves of absence of up to thirty days may also be requested by eligible employees to care for other family members not covered under the FMLA.

Employees granted a personal FMLA will be provided a 12 week job guarantee as long as they have not exceed 12 weeks of leave in a rolling 12 month period.

X. REDUCED SCHEDULE OR INTERMITTENT LEAVE

D0040

Employees must make a reasonable effort to schedule any intermittent or reduced leave so as not to unduly disrupt Christiana Care's operations.

Christiana Care reserves the right to temporarily transfer an employee taking intermittent or reduced leave to an alternate position, with equivalent pay and benefits, if the alternate position is better able to accommodate recurring periods of absence.

If an employee takes Family/Medical Leave on an intermittent or reduced schedule, only

the amount of leave taken will be counted toward the 12 weeks of leave. If an employee normally works part time, the amount of leave used will be calculated on a pro rata or proportional basis. If an employee's work schedule varies, the employee's normal pre-leave workweek will be determined by taking the average number of hours worked over the 12 weeks preceding the leave.

XI. RESTRICTIONS ON MARRIED EMPLOYEES

A husband and wife who are both employed by Christiana Care may take a combined total of 12 weeks for a Family/Medical Leave in order to care for a newly arrived child or a sick parent. This restriction applies even if the spouses are employed at different work sites or locations. If Family/Medical Leave is requested because of the illness of a child or of the other spouse, however, each employee is entitled to 12 weeks of leave.

XII. RESPONSIBILITIES

A. Employer

Christiana Care will post, and keep posted, the notice set forth in Appendix A describing an employee's rights with respect to a Family/Medical Leave. The notice will be posted in a conspicuous location where it can be readily seen by employees and applicants for employment.

The following information will also be provided, in writing, to an employee upon a request for a Family/Medical Leave:

1. Notice that the leave will be counted against an employee's Family/Medical Leave entitlement;
2. Requirements for medical certification of a serious health condition and the consequences for failing to provide a certification;
3. The employee's right to use accrued paid leave;
4. Premium payment requirements for benefits and the method for making premium payments;
5. Fitness for duty requirement for re-employment;
6. Rights for re-employment;
7. Employee's potential liability for health coverage premiums paid by Christiana Care during the leave if they employee fails to work; and
8. Any additional entitlements and obligations.

B. Employee Responsibility

An employee may request a leave of absence for family/medical reasons by completing the Request for Leave of Absence form and submitting a completed Certification of Healthcare Provider. These forms are available through the employee's department head

or an Employee Relations Representative. The employee should submit the completed forms to the department head to secure approval.

Employees on medical leave must also submit medical documentation on a monthly or periodic basis to an Employee Relations Assistant. Employees should contact the Benefits section of the Human Resources department to discuss the effect of a leave on their benefit status.

Appendix A

Employee Rights under the Family and Medical Leave Act (FMLA) of 1993

FMLA requires covered employers provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Under the FMLA, employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

Reasons for Taking Leave

Unpaid leave must be granted for any of the following reasons:

- to care for an employee's child after birth, or placement for adoption or foster care;
- to care for an employee's spouse, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes an employee unable to perform their job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

Advance Notice and Medical Certification

Employees may be required to provide advance notice of a leave and medical certification. Leaves of absence may be denied if requirement are not met.

- Employees must ordinarily provide 30 days advance notice when the leave is "foreseeable".
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work

Job Benefits and Protection

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan".

A-145

D0042

- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the started of an employee's leave.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA.
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

- The U.S. Department of Labor is authorized to investigate and resolve complaints against violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

For Additional Information contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

BR_Req_to_date_Query

Job Classification	Department	Internal Job Title	Schedule Type of Position	Date open	Date closed	Req #
Clerical	16035 - Special Care Nursery	20950 - Unit Clerk	Morning full-time	3/14/2003	5/19/2003	7632HS
Clerical	16055 - Surg/Critical Care Complex	20950 - Unit Clerk	Day part-time/no benefits	3/5/2003	6/5/2003	7583HS
Clerical	16055 - Surg/Critical Care Complex	20950 - Unit Clerk	Evening full-time	1/14/2003	7/16/2003	7041HS
Clerical	16061 - 4 East/West	20950 - Unit Clerk	Day part-time	2/11/2003	5/29/2003	7344HS
Clerical	16131 - 3 Med/Surg	20950 - Unit Clerk	Evening full-time	1/23/2003	5/29/2003	7128HS
Clerical	16215 - 5 C telemetry unit	20950 - Unit Clerk	Day full-time	1/14/2003	7/28/2003	6990HS
Clerical	16235 - 4D Surgical	20950 - Unit Clerk	Evening part-time/no benefits	4/10/2003	5/30/2003	7898HS
Clerical	16275 - 5B Medical	20950 - Unit Clerk	Morning part-time	4/3/2003	4/30/2003	7779HS
Clerical	16285 - 5C Cardiac Telemetry	20950 - Unit Clerk	Evening part-time	1/14/2003	9/5/2003	6991HS

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NICOLE VILLANUEVA,

Plaintiff,

v.

CHRISTIANA CARE HEALTH SERVICES, INC.

Defendant.

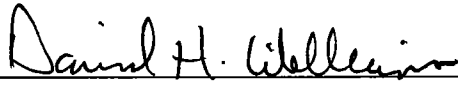
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C.A. No. 04-258-JJF

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on May 31, 2006, I electronically filed the attached **APPENDIX TO OPENING BRIEF IN SUPPORT OF DEFENDANT CHRISTIANA CARE HEALTH SERVICES, INC.'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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